



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,916	09/29/2003	Paul David Zarn	10988.4807	8987
22235 7590 05/03/2007 MALIN HALEY AND DIMAGGIO, PA 1936 S ANDREWS AVENUE FORT LAUDERDALE, FL 33316			EXAMINER KING, ANITA M	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/674,916

Applicant(s)

ZARN, PAUL DAVID

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,12 and 14-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-6,9 and 24-36 is/are allowed.
- 6) ☒ Claim(s) 12, 18, 20, and 22 is/are rejected.
- 7) ☒ Claim(s) 14-17,19-21 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

This is the fourth office action for application number 10/674,916, Accessory Mounting System for a Boat, filed on September 29, 2003.

***Response to Amendment***

The indicated allowability of claims 12, 18, 20, and 22 is withdrawn in view of the further consideration of the reference to Weimerskirch. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,322,296 to Weimerskirch. Weimerskirch discloses an accessory mounting device for mounting an accessory (22a) to a track (32), the device comprising: an accessory mounting bracket (56) defining a receptacle having an interior region and a through-opening and an exterior of the accessory mounting bracket; a connector (18a) including a first enlarged width portion separated from a second enlarged width portion by an intermediate portion, the second enlarged width portion being configured to be received within the interior region of the receptacle, the intermediate portion being configured to extend through the through-opening of the receptacle when the second enlarged width portion is positioned within the interior region of the receptacle, and the first enlarged width portion being configured to fit within the track; the receptacle

Art Unit: 3632

including an open end for allowing the second enlarged width portion of the connector to be inserted into the interior region and the intermediate portion of the connector to be inserted through the through-opening of the receptacle; the connector being generally symmetrical in cross-section, and the accessory mounting bracket being of a complementary shape to mate with the connector; and wherein the connector includes at least 2 separate pieces (48 & 52) that are positioned together.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weimerskirch. Weimerskirch further discloses the connector having a generally I-beam shaped configuration, the mount having a channel including a through-slot providing communication with the interior region and the exterior region of the mount. Weimerskirch discloses the claimed invention except for the limitation of the receptacle having an elongated channel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the receptacle or mount in Weimerskirch to have an elongated channel for the purpose of providing a means to mount a plurality of accessories to one mounting bracket and since such a modification would have merely involved a change in size which would have not produced any unexpected results.

***Allowable Subject Matter***

Claims 1, 2, 4-6, 9, and 24-36 are allowed.

Claims 14-17, 19-21, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

In response to applicant's argument that Weimerskirch is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Weimerskirch teaches a mounting device for a game, however, it is not unreasonable or nonanalogous to mount a game on a boat, especially since the above rejected claims do not positively recite the intended environment.

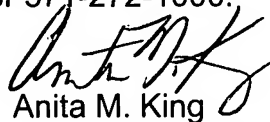
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

Art Unit: 3632

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Anita M. King  
Primary Examiner  
Art Unit 3632

April 30, 2007